

SCANNED

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

FILED
MAY 26 2022CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SVK

22 03092

UNITED STATES DISTRICT COURT

for the

Northern District of California

Civil Division

Case No.

(to be filled in by the Clerk's Office)

KANYON SAYERS-ROODS, POWER-OF-
ATTORNEY FOR ANN-MARIE SAYERS OF THE
COSTANOAN INDIANS OF INDIAN CANYON;KANYON SAYERS-ROODS
(IN AN INDIVIDUAL CAPACITY)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

MARLENE RITA MACHADO

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	KANYON SAYERS-ROODS
Street Address	1 INDIAN CANYON ROAD, INDIAN CANYON
City and County	HOLLISTER, SAN BENITO COUNTY
State and Zip Code	CALIFORNIA 95024
Telephone Number	831-531-0055
E-mail Address	KSR@COSTANOAN.ORG

BY FAX

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	MARLENE MACHADO
Job or Title (<i>if known</i>)	
Street Address	1 INDIAN CANYON ROAD, INDIAN CANYON
City and County	HOLLISTER, SAN BENITO COUNTY
State and Zip Code	CALIFORNIA 95024
Telephone Number	831-325-3246
E-mail Address (<i>if known</i>)	BLKKAMARO@YAHOO.COM

Defendant No. 2

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

15 USCS 1116; 18 USCS 1151; THE PROPERTY CLAUSE OF THE U.S. CONSTITUTION

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* KANYON SAYERS-ROODS, is a citizen of the State of *(name)* CALIFORNIA, USA.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* MARLENE RITA MACHADO, is a citizen of the State of *(name)* CALIFORNIA, USA. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

Property and personal injury to Indian Canyon, wherewith there are irreplaceable properties of the Chualar Costanoan Indians of Indian Canyon (e.g., artwork and artpieces in Tribe's museum, cabin home, (2) mobile homes. In addition, amount actual and punitive damages, any value of the injunctive relief should be trebled, as the tort claims involve interfering with U.S. mail sent by state and federal officials (e.g., Interior Department; California Tax & Franchise Board, California Attorney General, Bureau of Indian Affairs, Internal Revenue Service), and federally-regulated banks), whereby are addressed to "Ann-Marie Sayers", "Kanyon Sayers-Roods", or "Costanoan Indian Research Inc." (CIR) (a 501c3 charitable corporation wherein Ann-Marie Sayers and Kanyon Sayers-Roods are board directors). Moreover, the torts claims involve willful or negligent acts committed by Defendant Machado that have caused Plaintiff to be fined, sanctioned, suspended, or delinquent of tribal or corporate obligations. Moreover, Defendant Machado's wilful or negligent acts have caused inkind and cash donations to the Chualar-Costanoan Tribe or CIR to be lost, stolen, or discontinued. due to professional incompentence or damage to reputation of Plaintiff Sayers-Roods and Anne-Marie Sayers while serving as officials for CIR or Chualar-Costanoan Tribe.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

CLAIM #1: Per 'EXHBITS' (hereunto) and supporting court papers from the D.C. District (filed hereto as 'Exhibits'), from in or about March 2022 through present, DEFENDANT MACHADO (and persons in concert with the defendant on the similar tortious acts), PLAINTIFF SAYERS-ROODS's was enjoined as a private citizen acting as a Power-of-Attorney agent for (her mother) Ann-Marie Sayers of the Costanoan Indian Tribe of Indian Canyon, California ("POA"), who presently holds Indian trust land delcared and issued by the Department of the Interior [EXHIBIT A].

CLAIM #2: Per 'EXHBITS' (hereunto) and supporting court papers from the D.C. District (filed hereto as 'Exhibits'), from in or about January 2022 through present, DEFENDANT MACHADO's tortious acts, Plaintiff Sayers-Roods-- (Sayers-Roods who has consanguaneous ties to two immediate family members with Indian roll numbers issued, and Indian tribal trust land acknowledged by the Bureau of Indian Affairs [EXHIBIT B] (Sayers-Garcia, Costanoan Indian Genealogy Tree (Bureau of Indian Affairs); Plaintiff Sayers-Roods's Birth Certificate)[EXHIBIT C] [i.e., 'Exhibits' under 28 USCS 1732])-- has been enjoined from fulfilling her employment/work duties and responsibilities as an elected/contracted Chief Executive Officer, President, and Board Director of Costanoan Indian Research Inc.("CIR"), held at 1 Indian Canyon Road of Indian Canyon within Township Fourteen South of Range Five East of the Mount Diablo Meridian, City of Hollister of San Benito County, California. And, likewise, PLAINTIFF SAYERS-ROODS was enjoined from conducting her tribal duties related to her employment at CIR and Kanyon Konsulting LLC, Chualar-Costanoan tribal band, and her Power-of-Attorney duties for her mother Ann-Marie Sayers, and her uncle Christopher Sayers, Thus, Plaintiff Sayers-Roods, Plaintiff's mother Ms. Sayers (75 yrs old) (CIR's founder-registered agent on federal/state records), and Plaintiff's uncle Mr. Sayers are members of tribal council for the Costanoan-Chualar Indian Tribe of Indian Canyon [EXHIBIT D].

CLAIM #3: Per 'EXHBITS' (hereunto) and supporting court papers from the D.C. District (filed hereto as 'Exhibits'), from in or about March 2022 through present, DEFENDANT MACHADO has willfully or negligently enjoined PLAINTIFF SAYERS-ROODS's right to enjoy a rental property provided per rental agreement by the United States Postal Service located at 100 Maple St, Hollister, California 95023 [EXHIBIT E; EXHIBIT F; EXHIBIT G; EXHIBIT H]. Thus, Plaintiff's rental agreement for "Box 28" at this USPS branch resulted in PLAINTIFF having to pay to get her postal box rekeyed on 3/17/2022 [see "EXHIBIT H"] upon DEFENDANT MACHADO going to this USPS branch to collect mail, notwithstanding her name not being listed as an authorized account holder or mail recipient at any time. Moreover, from in or about August 2021 through the present, DEFENDANT MACHADO's intervening force involving U.S. mail items sent to PLAINTIFF's postal box have resulted in concealment, mutilated, obstructed, or lost mail items sent from state/federal government agencies, whereby was addressed to PLAINTIFF KANYON SAYERS-ROODS, PLAINTIFF's tribal band or tribal organization, PLAINTIFF's mother (Ann-Marie Sayers), or PLAINTIFF's uncle (Christopher Sayers). In addition, these tortious acts caused by DEFENDANT MACHADO are likewise concerning a rural route mailbox, located on Indian Canyon Road, provided by USPS.

CLAIM#4: Per 'EXHBITS' (hereunto) and supporting court papers from the D.C. District, on or about May 23, 2022, DEFENDANT MACHADO attempted to tamper with witness(es) or victim(s) involved in pending judicial on tort claims, and administrative actions on elderly abuse and neglect [EXHIBIT I, EXHIBIT J], wherewith DEFENDANT MACHADO was the listed subject or opposing party. This act of intimidation or harrassment occurred at the Gilroy Healthcare & Rehabilitation Center where Plaintiff's relatives Ann-Marie and Christopher Sayers are patients. Moreover, DEFENDANT MACHADO's unwelcomed visit to the Gilroy facility resulted in local police being called to visit the facility obtain information from Mr. Sayers and the Sayers's POA agent Charles Heinz [see Heinz's DCD affidavit at "EXHIBIT J" hereunto]. Moreover, DEFENDANT MACHADO had a police report filed against her by Plaintiff's tribal staff members for battery/assault in April 2022.

B. What date and approximate time did the events giving rise to your claim(s) occur?

CLAIM #1: In or about March 2022 through present.

CLAIM #2: In or about January 2022 through present

CLAIM #3: In or about March 2022 through present (USPS P.O. Box was rekeyed on 3/17/2022; Defendant still has access to rural route mailbox on Indian Canyon Road)

CLAIM #4: May 22, 2022 (this incident followed a battery/assault incident at Ms. Sayers's home and CIR's main office at 1 Indian Canyon Road, Indian Canyon, Hollister, California, located on Indian tribal land as defined under 18 USCS 1151)

C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

PLAINTIFF's claims that are disclosed herein above occurred after a civil action on other tort claims was filed against in the D.C. District on May 13, 2022 [EXHIBIT K]. This includes, but not limited to, DEFENDANT MACHADO harrasing and intimidating Tribe-CIR staff member ("Lee") who resides in Indian Canyon. In addition, DEFENDANT MACHADO's tortious acts committed in Indian Canyon adversely effected tribal events open to the tribal volunteers, members, personnel, and supporters [see "EXHIBIT L"].

Moreover, PLAINTIFF's claims are supported by Verified Complaint and supporting witness affidavits from a (defectively) pleaded civil action in D.C. District that was withdrawn by PLAINTIFF's court attorney due to a question on improper venue raised by the Court, May 23, 2022, inter alia that were deficiencies that were not compliant with local district rules [see "EXHIBIT K"].

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Indian Canyon (Indian trust land allotted by the Federal government) [EXHIBIT M], properties held by PLAINTIFF's family who the Government has identified Costanoan Indians [EXHIBIT N], or consanguineous ancestors of Sebastian Garcia of the Chualar Indian Tribe [EXHIBIT O], and the reputation of the Indian Canyon Chualar-Costanoan Tribe of Ohlone People ("Tribe") is priceless or in many cases irreplaceable. Additionally, the safety of tribal members, tribal staff, CIR officials, and tribal event participants who visit Indian Canyon, cannot be recovered or restored if any of them continued to be exposed to irreparable harm or damage caused by DEFENDANT MACHADO, who is known to be armed and violent, and has no regard for Tribe's constitution or tribal land ordinances, due to a habitual pattern or routine demonstrated in testimonial or circumstantial evidence filed in the D.C. District earlier this month; and the supporting exhibits filed hereto the instant case.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

PLAINTIFF(S) seek an (Expedited) Temporary Restraining Order, and Injunctive and Declaratory Relief under Fed. R. Civ. P. 57, and 65, whereby would enjoin DEFENDANT MACHADO from trespassing, harrasing, intimidating, libeling, obstructing, or causing other irreparable harm or damage to PLAINTIFF KANYON SAYERS-ROODS, POWER OF ATTORNEY OF ANN-MARIE SAYERS OF THE CHUALAR-COSTANOAN INDIANS OF INDIAN CANYON, ANN-MARIE SAYERS, KANYON SAYERS-ROODS (IN AN INDIVIDUAL CAPACITY), and any tribal or business interests relative to PLAINTIFF SAYERS-ROODS or Anne Marie Sayers of the Costanoan Indians of Indian Canyon (Indian trust land or tax trust land allotted to Anne Marie Sayers). This would include enjoining DEFENDANT from access or right to any property within respective trust land held by Ann-Marie Sayers [See "Proposed Order"].

VI. Certification and Closing

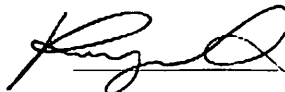
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2022-05-24

Signature of Plaintiff



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Printed Name of Plaintiff KANYON SAYERS-ROODS

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

Signature Certificate

Reference number: CKBRH-AMK2U-XLDZX-3X6EQ

Signer

Timestamp

Signature

Kanyon Sayers-Roods

Email: ksr@costanoan.org

Sent:

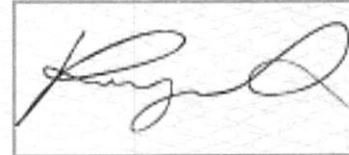
24 May 2022 10:30:26 UTC

Viewed:

24 May 2022 12:52:22 UTC

Signed:

24 May 2022 17:41:42 UTC



Recipient Verification:

✓Email verified

24 May 2022 12:52:22 UTC

IP address: 98.207.146.109

Location: San Jose, United States

Document completed by all parties on:

24 May 2022 17:41:42 UTC

Page 1 of 1



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UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

CALIFORNIA

SAYERS ROODS, ET AL.

EXHIBIT AND WITNESS LIST

V.

MACHADO

Case Number:

PRESIDING JUDGE					PLAINTIFF'S ATTORNEY	DEFENDANT'S ATTORNEY
TRIAL DATE (S)					COURT REPORTER	COURTROOM DEPUTY
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
A		5/25/2022			EXHIBIT A: POA AGREEMENT OF ANN-MARIE SAYERS; DOI TRUST LAND PAPERS (COSTANOAN)	
B		5/25/2022			EXHIBIT B: (Sayers-Garcia, Costanoan Indian Genealogy Tree (BIA-Issued Roll Nos.))	
C		5/25/2022			EXHIBIT C: Plaintiff Sayers-Roods Birth Cert. (shows nexus to Ann-Marie Sayers)	
D		5/25/2022			EXHIBIT D: Tribal 501c3 Org Papers from CA-SOS; Chualar-Costanoan Tribe Roll List	
E		5/25/2022			EXHIBIT E: USPS Postal Box Rental Agreement w/ USPS Seal (Plaintiff Sayers-Roods)	
F		5/25/2022			EXHIBIT F: USPS Postal Box Rental Agreement Confirmation Email to Plaintiff (Box #28)	
G		5/25/2022			EXHIBIT G: USPS Postal Box Renewal Notice Sent to Plaintiff (Box #28)	
H		5/25/2022			EXHIBIT H: USPS Payment Receipt for Rekeying Plaintiff's PO Box, 3/17/2022 (Box #28)	
I		5/25/2022			EXHIBIT I: Gilroy Police Dept. Case Ref. ID, 5/22/22 (re Defendant Witness Tampering)	
J		5/25/2022			EXHIBIT J: Affidavit of Charles Heinz (Sayers Family POA), 5/23/2022 (DCD Court Doc.)	
K		5/25/2022			EXHIBIT K: Verified Complaint Filed Against Defendant on Other Claims (DCD, 5/13/2022)	
L		5/25/2022			EXHIBIT L: News Content Published on Tribe Activities in Indian Canyon (May 2022)	
M		5/25/2022			EXHIBIT M: DOI Documents Showing Trust Land Allotment to Plaintiff's Tribe/Family	
N		5/25/2022			EXHIBIT N: DOI Documents (S. Garcia of Chualar Indians & A. Sayers of Costanoan Indians)	
O		5/25/2022			EXHIBIT O: US President's Issuance of Trust Land to Ancestor Garcia of Chualar Indians	
P		5/25/2022			EXHIBIT P: Constitution of Chualar-Costanoan Indian Tribe - A.M. Sayers (1974)	
Q		5/25/2022			EXHIBIT Q: Chualar-Costanoan Tribe of Ohlone People (Senate.Gov - LDA Report)	
R		5/25/2022			EXHIBIT R: Witness Sayers-Roods Affidavit in Support of Complaint (5/25/2022)	
S		5/25/2022			EXHIBIT S: Notice to Terminate A-C Relationship & Voluntarily Withdraw DCD Complaint	
T		5/25/2022			EXHIBIT T: Elderly Abuse & Neglect Report (Victim: A.M. Sayers; Subject: M. Machado)	
U		5/25/2022			EXHIBIT U: Cease & Desist Notice Sent to Defendant by Plaintiff (Mar. 8, 2022)	
V		5/25/2022			EXHIBIT V: Witness Affidavit of Kanyon Sayers-Roods, DCD Case (Certified 4/28/2022)	

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.